

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

TARYN CHRISTIAN,	)	CIV. NO. 04-00743 DAE-LEK
	)	
Plaintiff,	)	
	)	
vs.	)	AFFIDAVIT OF PETER A.
	)	HANANO REGARDING
	)	APPENDICES "A" THROUGH
RICHARD BISSEN, Acting	)	"H"
Director, STATE OF HAWAII,	)	
DEPARTMENT OF PUBLIC SAFETY,	)	
	)	
Respondents.	)	
_____	)	

AFFIDAVIT OF PETER A. HANANO  
REGARDING APPENDICES "A" THROUGH "H"

STATE OF HAWAII     )  
                              ) SS.  
COUNTY OF MAUI    )

PETER A. HANANO, first being duly sworn, on oath deposes and  
says:

1. That Affiant was admitted in 1997 to practice before the United  
States District Court for the District of Hawaii;

2. That Affiant is a First Deputy Prosecuting Attorney for the County  
of Maui, State of Hawaii, and is assigned to answer or otherwise respond on behalf  
of JAMES PROPOTNICK, in his present capacity as Acting Director, State of  
Hawai'i, Department of Public Safety ("Respondent"), to the Petition Under 28  
U.S.C. § 2254 for a Writ of Habeas Corpus by a Person in State Custody

("Petition") filed on December 22, 2004, by Petitioner TARYN CHRISTIAN ("Petitioner");

3. That on information and belief, based on Affiant's review of the relevant case files, associated documents, and court transcripts of Cr. No. 95-0389(1) and S.P.P. No. 00-1-0002, as well as the documents and files in the above-entitled matter, the factual statements as related in the attached Respondents' Appeal, particularly in the "RELEVANT FACTUAL BACKGROUND" section, are true and correct to the best of Affiant's knowledge and belief;

4. That Appendices "A" through "I" of the Respondents' Appeal are filed herewith as follows:

a. Appendix "A", being a true and correct copy of the Magistrate's Order Granting Petitioner's Motion for Leave to Conduct Discovery and Findings and Recommendation Regarding Petition for Writ of Habeas Corpus, filed on May 1, 2007 (Doc. No. 73), in the above-entitled matter;

b. Appendix "B", being a true and correct copy of the Petitioner's Opening Brief filed on November 24, 1997, in Criminal Case No. 95-0389(1), which is being attached hereto for the Court's convenience (also attached in Doc. No. 18 as part of Vol. 5, Exh. "V" in the Respondents' Answer filed on September 30, 2005);

c. Appendix "C", being a true and correct copy of the Hawai'i Supreme Court's published opinion, in Criminal Case No. 95-0389(1), which is being attached hereto for the Court's convenience (also attached in Doc. No. 18 as Vol. 5, Exh. "Y" in the Respondents' Answer filed on September 30, 2005);

d. Appendix "D", being a true and correct copy of the Findings of Fact, Conclusions of Law, and Order Denying Petition For Post-Conviction Relief, filed on May 2, 2002, in S.P.P. No. 00-1-0002(2), which is being attached hereto for the Court's convenience (also attached in Doc. No. 22 as part of Vol. 9, Exh. "Z", in the Respondents' Answer filed on September 30, 2005);

e. Appendix "E", being a true and correct copy of Petitioner's Motion for Reconsideration of Findings of Fact, Conclusions of Law, and Order

Denying Petition For Post-Conviction Relief, filed on May 13, 2002, in S.P.P. No. 00-1-0002(2), which is being attached hereto for the Court's convenience (also attached in Doc. No. 22 as Vol. 9, Exh. "Z" in the Respondents' Answer filed on September 30, 2005);

f. Appendix "F", being a true and correct copy of the Petitioner's Amended Opening Brief dated March 1, 2003, in post-conviction appeal, S.P.P. No. 00-1-0002(1), S.C. No. 25196, which is being attached hereto for the Court's convenience (also attached in Doc. No. 23 as Vol. 10, Exh. "CC" in the Respondents' Answer filed on September 30, 2005);

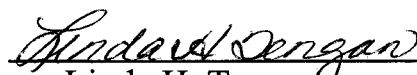
g. Appendix "G", being a true and correct copy of the Summary Disposition Order filed by the Hawai'i Supreme Court on November 24, 2004, in S.P.P. No. 00-1-0002(1), S.C. No. 25196, which is being attached hereto for the Court's convenience (also attached in Doc. No. 23 as Vol. 10, Exh. "FF" in the Respondents' Answer filed on September 30, 2005);

h. Appendix "H" being a true and correct copy of the Hawaii's recently enacted Post-Conviction DNA Testing statutes, HRS § 844D-121 (Supp. 2005) to HRS § 844D-133 (Supp. 2005); and

That further Affiant sayeth naught.

  
\_\_\_\_\_  
PETER A. HANANO

Subscribed and sworn to before me  
this 11th day of May, 2007.

  
\_\_\_\_\_  
Linda H. Tengan  
Notary Public, State of Hawaii  
My commission expires: May 17, 2008

*L.S.*